

Serial No.: 09/872,698; Filed: June 1, 2001
Group Art Unit: 3763, Docket: P-3226.04

REMARKS

This amendment cancels the non-allowed claims without admission or prejudice to applicant's right to file them in a continuation application, and adds dependent claims and new independent claims closely paralleling the allowed claims 44 and 45 but broadening "indomethacin" to --an anti-inflammatory agent having cyclooxygenase inhibitor action--.

Notwithstanding the addition of new claims, it is believed that this amendment puts the application in better condition for allowance because (a) the non-allowed claims are canceled, and (b) the use of the term anti-inflammatory agent having cyclooxygenase inhibitor action in new independent claims 72 and 74 is consistent with the arguments put forth in the response mailed March 11, 2002. It is also believed in this particular circumstance that no additional searching will be required due to the allowance of a related application (08/539,804, Docket No. P-3226.03 Div 2) using the term "anti-inflammatory agent having cyclooxygenase inhibitor action" in connection with claims of different scope by the same Examiner.

For these reasons, it is believed that there are good and sufficient reasons why the amendments are necessary and were not earlier presented.

Appendix A shows compares new independent claims 72 and 74 with allowed claim 44 and 45, respectively, for the Examiner's convenience.

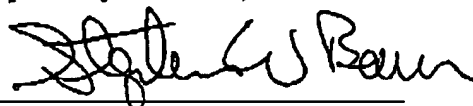
The Examiner is invited to telephone me at 763 505 0422 if that would help resolve any further issue.

If any fee is required in connection with this paper, please charge it to Deposit Account No. 13-2546.

In view of the foregoing, favorable consideration and allowance of this application are requested.

Respectfully submitted,

Date _____

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APPENDIX A

Version Comparing New Claims 72 and 74 with Allowed Claims 44 and 46, respectively

72. (New) A method of delivering [indomethacin] an anti-inflammatory agent having cyclooxygenase inhibitor action to a selected site within a hippocampus or lateral ventricle comprising steps of:

providing a catheter having a first tubular portion that has a first tubular portion lumen and a second tubular portion partially disposed within the first tubular portion lumen, wherein the step of providing a catheter having a first tubular portion that has a first tubular portion lumen includes the step of:

making the first tubular portion of a material that increases in diameter when heated;

adjusting the length of the second tubular portion extending from the first tubular portion lumen to conform to the dimensions of a selected site in a hippocampus or lateral ventricle, wherein the step of adjusting the length of the second tubular portion includes the steps of:

heating the first tubular portion until the diameter of the first tubular portion lumen increases in diameter a sufficient amount to enable relative sliding movement between the first tubular portion and the second tubular portion; sliding the second tubular portion in the first tubular portion lumen relative to the first tubular portion to provide a preselected length of the second tubular portion extending beyond the end of the first tubular portion; and

cooling the first tubular portion until the first tubular portion and the second tubular portion are no longer capable of relative sliding movement;

placing the catheter in the hippocampus or lateral ventricle so that the second tubular portion is placed at the selected site in the hippocampus or lateral ventricle;

providing a source of [indomethacin] the anti-inflammatory agent;

coupling the catheter and the source of [indomethacin] the anti-inflammatory agent to a pump for delivering [indomethacin] the anti-inflammatory agent from the source of

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[indomethacin] the anti-inflammatory agent to the hippocampus through the catheter;
and
actuating the pump to delivery the [indomethacin] the anti-inflammatory agent to the
hippocampus or lateral ventricle.

74. (Once Amended) A method of delivering [indomethacin] an anti-inflammatory agent
having cyclooxygenase inhibitor action to a selected site within a hippocampus or lateral
ventricle comprising steps of:

providing a catheter having a first tubular portion that has a first tubular portion lumen
and a second tubular portion partially disposed within the first tubular portion lumen,
wherein the step of providing a catheter having a first tubular portion that has a first
tubular portion lumen includes the step of:

making the first tubular portion of a material that increases in diameter when
exposed to a solvent;

adjusting the length of the second tubular portion extending from the first tubular portion
lumen to conform to the dimensions of a selected site in a hippocampus or lateral
ventricle, wherein the step of adjusting the length of the second tubular portion
includes the steps of:

exposing the first tubular portion to a solvent that increases the diameter of the
first tubular portion lumen a sufficient amount to permit relative sliding
movement of the second tubular portion in the first tubular portion lumen;
sliding the second tubular portion in the first tubular portion lumen to obtain a
preselected length of the second tubular portion extending distally beyond the
distal end of the first tubular portion; and

ceasing to expose the first tubular portion to the solvent whereby the diameter of
the first tubular portion lumen decreases until relative sliding movement
between the first tubular portion and the second tubular portion is prevented;

placing the catheter in the hippocampus or lateral ventricle so that the second tubular
portion is placed at the selected site in the hippocampus or lateral ventricle;
providing a source of [indomethacin] the anti-inflammatory agent;

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coupling the catheter and the source of [indomethacin] the anti-inflammatory agent to a pump for delivering [indomethacin] the anti-inflammatory agent from the source of [indomethacin] the anti-inflammatory agent to the hippocampus through the catheter; and
actuating the pump to delivery the [indomethacin] the anti-inflammatory agent to the hippocampus or lateral ventricle.